

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

OSCAR GARNER,

Plaintiff,

v.

PAUL SUMNICHT, BELINDA SCHRUBBE,
CYNTHIA THORPE and MARY GORSKE,

Defendants.

ORDER

11-cv-829-slc

As directed in this court's order of September 30, 2013, plaintiff Oscar Garner has submitted a certified copy of his trust fund account statement so that a determination may be made whether he is indigent for the purpose of proceeding on appeal *in forma pauperis* and if he is, what amount must be assessed under the 1996 Prison Litigation Reform Act as an initial partial payment of the fee for filing his appeal. (In the September 30 order, I found that plaintiff's appeal is not taken in bad faith and that he is not barred by the three strikes provision of 28 U.S.C. § 1915(g) from proceeding with his appeal *in forma pauperis*.) From plaintiff's trust fund account statement, I conclude that he qualifies for indigent status. Further, I assess plaintiff an initial partial payment of the \$455 fee for filing his appeal in the amount of \$17.75.

ORDER

IT IS ORDERED that plaintiff Oscar Garner's request for leave to proceed *in forma pauperis* on appeal is GRANTED. Plaintiff may have until November 5, 2013, in which to submit a check or money order made payable to the clerk of court in the amount of \$17.75. If, by November 5, 2013, plaintiff fails to pay the initial partial payment or explain his failure to

do so, then I will advise the court of appeals of his noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.

Entered this 15th day of October, 2013.

BY THE COURT:

STEPHEN L. CROCKER
Magistrate Judge